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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,467	02/10/2004	Chauncey T. Mitchell JR.	90972.000009	1369
23387	7590	07/27/2005	EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,467	Applicant(s) MITCHELL, CHAUNCEY T.	
	Examiner Marissa L. Ferguson	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

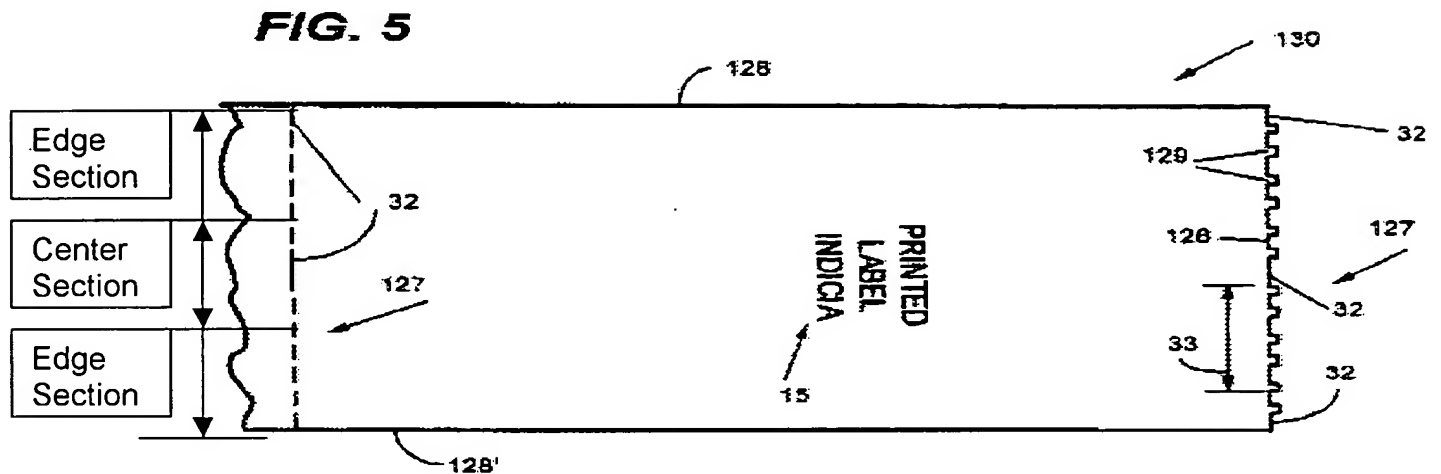
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,5,7 and 17 are rejected under 35 U.S.C. 102(b) as being rejected by Nash (US Patent 5,536,546).

Regarding claims 1 and 17, Nash teaches a web including a succession of sheets being divisible along lines of perforation that extend between a center and two edges of the web (Figures 4 and 5) and contain a pattern of ties that in which the ties located within portions of the lines of perforation that are closer to the edges occupy a larger percentage of the lines of perforation than the ties located within portions of the lines of perforation that are closer to the center (Figure 5), a printer (printing section 12) that prints information on the divisible sections of the web (Figure 5), a feed path (web 10 travels in a path along direction 11) along which the divisible sections of the web (10) are advanced in sequence through the printer (12) to a dispensing position (20) at which the lines of perforation can be individually burst by a tensile force applied along a length of the web (element 20 creates force allowing perforations to burst) and wherein the divisible sections of the web are advanced into the dispensing position in a substantially flat state (Figure 4).



Regarding claim 4, Nash teaches a web (10) that includes front (22) and back (23) surfaces and wherein at least the front surface being printed with information from the printer in a pattern on the divisible sections of the web (Figure 5).

Regarding claim 5, Nash a thermal printer and the front surface of the web includes a thermosensitive coating for forming images imparted by heat patterns of the thermal printer (Column 4, Lines 26-33).

Regarding claim 7, Nash teaches portions of the lines of perforation that are closer to the center contain less ties than the portions of the lines of perforations that are closer to the edges (refer to figure 5 above).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over Nash (US Patent 5,536,546) in view of Kopp et al. (US Patent (US 5,428,433).

Nash teaches the invention claimed with the exception of a printer that applies a braking force that prevents subsequent sections of the web from being prematurely dispensed through the printer. Kopp et al. discloses a printer with reel paper that teaches a printer with a paper brake force (31). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the invention as taught by Nash to include a paper brake as taught by Kopp et al., since Kopp et al. provides a brake for tautly wrapping paper around a roller.

3. Claims 6 and 19-21 are rejected under 35 U.S.C. 103(a) as being obvious over Nash (US Patent 5,536,546) in view of Connor Sledge et al. (US Patent 6,368,689).

Regarding claim 6, 19 and 21, Nash teaches the invention claimed with the exception of the ties located within the portions of the lines of perforation that are closer to the center are narrower than the ties located within the portions of the lines of perforation that are closer to the edges along the lines of perforation. Connor Sledge et al. teaches perforated web sections with ties located within the portions of the lines of perforation that are closer to the center are narrower than the ties located within the

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portions of the lines of perforation that are closer to the edges along the lines of perforation (36, Abstract, see element 54 and perforated longitudinal line located to the left of element 40 and perforated longitudinal line located to the right of 37, also see figure 3 located below).

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the invention as taught by Nash to replace the web thereof with a web with weaker central portions as taught by Connor Sledge et al., since Connor teaches that it is advantageous to effectively reduce dispensing defects such as streaming and or roping defects.

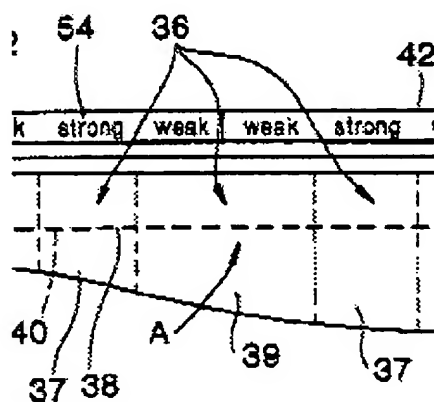


FIG. 3

4. Regarding claim 20, Nash teaches the claimed invention with the exception of the ties located within the portions of lines of perforation that are closer to the center are at least 20 percent weaker than the ties located within the portions of the lines of perforation that are closer to the edges. Connor Sledge et al. teaches weak ties, however he does not specifically teach ties 20% weaker. It has been held that discovering an optimum value of a result effective variable involves only routine skill in

the art. *In re Boesch*, 61 7 F.2d 272, 205 USPQ 215 (CCPA 1980). It would have been obvious to have ties that are 20% weaker, since such modification would result in the ties rupturing before other ties so that web can be properly broken along the perforated lines.

5. Claims 22 is rejected under 35 U.S.C. 103(a) as being obvious over Nash (US Patent 5,536,546) in view of Fabel (US Patent 5,562,964).

Nash teaches the invention claimed with the exception of a fan-folded stack. Fabel teaches a web of print media that is arranged as a fan-folded stack (20) prior to advancing the succession of sheets along the feed path (Figure 2). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to further modify the invention as taught by Nash to replace the web thereof with a fan-folded stack of web as taught by Fabel, since Fabel teaches that it is advantageous to facilitate easy removal of the perforated sheets.

Allowable Subject Matter

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 8-13 are allowed.

Reasons for Allowance

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or render obvious a force applied along the length

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of the web initially stresses both the ties located within the portions of the lines of perforation that are closer to the edges and the ties located within the portions of the lines of perforation that are closer to the center.

9. The following is an examiner's statement of reasons for allowance: Regarding claim 8, the prior art does not teach or render obvious a first of the tensile forces being applicable through a position offset from the centerline for bursting the lines of perforation starting at one edge of the web and proceeding through the center to the other edge of the web, a second of the tensile forces being applicable through a position aligned with the centerline for bursting the lines of perforation starting at the center of the web and proceeding to both edges of the web and magnitudes of the first and second tensile forces required for bursting the lines of perforation being made more nearly equal by the pattern of ties that are weaker next to the center of the web than next to either of the two edges .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wff

Marissa L Ferguson
Examiner
Art Unit 2854


Daniel J. Colilla
Primary Examiner
Art Unit 2854